

Remarks

Claims 12-18 and 20-31 are pending in this application. Claims 12-18 and 20-31 are amended. No new matter is introduced thereby. Support for the amendments to independent claims 12 and 25 is found throughout the entirety of the specification and the drawings, including for example at least in the specification on page 5, lines 11- 21. The remaining claims are amended to be consistent with claims 12 and 15.

The Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and references cited therein. The following amendments and remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. Withdrawal of all outstanding rejections is respectfully requested in view of the foregoing amendments and following remarks.

CLAIM OBJECTIONS

The claims are objected to for failing to comply with the numbering of claims requirement set forth in 37 C.F.R. 1.126. Specifically, the claims were misnumbered and claim 29 was omitted. Examiner is correct that the claims were misnumbered. Applicant appreciates the Examiner's correction of the claim numbering.

35 U.S.C. § 112

Claims 12 and 25 are rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, it is asserted that the claim language "base element being configured to be secured in a "non-removable manner" to a wall or floor is not supported by the specification. This language has been deleted from the claims. Therefore, withdrawal of this rejection is requested.

35 U.S.C. § 102(b)

Claims 25-28

Claims 25-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nemzin et al. (U.S. Patent No. 5,223,316) ("Nemzin"). The Examiner relies on Nemzin to teach all aspects of

the claims. It is respectfully submitted that this rejection is overcome in view of the following remarks.

Nemzin teaches a support frame for removable characters. Nemzin does not disclose the features of amended claim 25; in particular, a “base element defining an integral sign” wherein the base element “has a mounting surface configured to be securably mounted to the area where the wall meets the floor such that the area where the wall meets the floor is hidden behind a length of said base element when said base element is securably mounted to the area where the wall meets the floor.” Therefore, Applicant believes that claim 25 has been amended in a manner that places claim 25 into condition for allowance not only under §102 but also under §103. Claims 26-28 depend from claim 25, and also are believed to be allowable by virtue of their dependency from believed allowable claim 25. Therefore, Applicant respectfully requests the rejection of claims 25-28 under 35 U.S.C. § 102(b) to be withdrawn.

35 U.S.C. § 103

**Claims 12-16 and 20, 21, 23, 24**

Claims 12-16 and 20, 21, 23, 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nemzin in view of Studen (U.S. Patent No. 3,280,499). Nemzin is relied upon to teach a means for supporting a device on a wall, and Studen is relied upon to teach the remaining aspects of the claims including a three-dimensioned element defining a signage recipient base with a plurality of apertures. These rejections are respectfully traversed.

Claim 12 as amended is directed to a “wall base” and recites “a mounting surface of said base element being configured to be securable mounted to an area where a wall meets a floor such that the area where the wall meets the floor is hidden behind a length of said three dimensioned element when said three dimensioned element is securably mounted to the area where the wall meets the floor.”

In contrast, Nemzin teaches a sign with press-fitted symbols and having a tab for hanging purposes; and Studen teaches a plastic game board with removable pieces. Neither Nemzin nor Studen teaches a sign integral in a “wall base.” Furthermore, a tab for wall mounting such as disclosed in Nemzin is not “a mounting surface of the base element being configured to be securably mounted to an area where a wall meets a floor such that the area where the wall meets

the floor is hidden.” The tab disclosed in Nemzin is not a surface of the support frame but merely an adhesive strip attached to the frame. The game board in Studen also does not meet this limitation. Accordingly, neither Nemzin nor Studen alone or in combination disclose the features of amended claim 12. Therefore, Applicant respectfully submits that claim 12 is in condition for allowance. Claims 13-16 and 20, 21, 23 and 24 are also believed allowable by virtue of the dependency from believed allowable claim 12. Applicant respectfully requests that the rejection of claims 12-16 and 20, 21, 23, 24 under 35 U.S.C. § 103(a) be withdrawn.

### **Claims 17 and 29-31**

Claims 17 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Studen (U.S. Patent No. 3,280,499) in view of Nemzin as applied to claim 12 above, and in view of in further view of Forbes et al. (U.S. Patent 6,626,678). With respect to claim 17, Forbes is relied upon to teach tiles with different tactility as well as color differences and indicia on textured surfaces. Applicant respectfully traverses this rejection.

Claim 17 depends from independent claim 12. As discussed above, Claim 12 as amended is directed to a “wall base” and recites “a mounting surface of said base element being configured to be securably mounted to an area where a wall meets a floor such that the area where the wall meets the floor is hidden behind a length of said three dimensioned element when said three dimensioned element is securably mounted to the area where the wall meets the floor.” As discussed above, Student in view of Nemzin does not teach or suggest the limitations of amended claim 12. Obviously, Forbes does not cure the deficiencies of Studen in combination with Nemzin. Forbes teaches a toy with removable tiles of different tactility as well as color differences and indicia on textured surfaces, but Forbes does not teach or suggest the limitations of amended claim 12. Therefore, Applicant submits that claim 12 is allowable over Studen, in view of Nemzin in view of Forbes, and that claim 17 is allowable by virtue of its dependency from believed allowable claim 12.

Further, claims 29-31 depend from claim 25. Claim 25 is directed to a “wall base to border and cover an area where a wall meets a floor so as to blend a transition from the wall to the floor” and comprises “a base element having a mounting surface configured to be securably mounted to the area where the wall meets the floor such that the area where the wall meets the

floor is hidden behind a length of said base element when said base element is securably mounted to the area where the wall meets the floor, said base element defining an integral sign therein.” Neither Studen nor Nemzin alone or in combination teach or suggests the limitations of wall base having a base element having a “mounting surface configured to be securably mounted to the area where the wall meets the floor.” Student in view of Nemzin does not teach or suggest the limitations of amended claim 25. Obviously, Forbes does not cure the deficiencies of Studen in combination with Nemzin. Forbes is only relied upon to generally teach that the surface of the tile elements contrast with the base, but Forbes does not teach or suggest the limitations of amended claim 25. Therefore, Applicant submits that claim 25 is allowable over Studen, in view of Nemzin in view of Forbes and that claims 29-31 are allowable by virtue of their dependency from believed allowable claim 25.

Applicant respectfully requests that the rejection of claims 17 and 29-31 under 35 U.S.C. § 103(a) be withdrawn.

#### **Claims 12 and 18**

Claims 12 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Studen (U.S. Patent No. 3,280,499) in view of Nemzin as applied to claim 12 above, and in view of in further view of Wright. (U.S. Patent 2,535,619). Wright is relied upon to teach a toy having removable elements with a thickness different from that of the base element to enhance an aesthetic appearance. Applicant respectfully traverses this rejection.

Claim 18 depends from claim 12, and as discussed above, claim 12 has been amended in a manner believed to place claim 12 in condition for allowance over Nemzin in view of Student. Obviously, Wright does not cure the deficiencies of Studen in combination with Nemzin. Therefore, Applicant submits that claim 12 is allowable over Studen, in view of Nemzin in view of Wright and that claim 18 is allowable by virtue of their dependency from believed allowable claim 12.

Applicant respectfully requests that the rejection of claims 12 and 18 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

All rejections and objections having been addressed, it is respectfully submitted that the above-identified application is in condition for allowance. An early and favorable action on the merits is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Applicant respectfully requests that the Examiner contact the undersigned by telephone in order to expedite prosecution of the application.

It is believed no fee is due in the filing of this Response; however, if the Commissioner deems it necessary, please charge any deficiency or credit any overpayment to Deposit Account 50-2036, referencing attorney docket no. 15998.000023.

Respectfully submitted,

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